

House File 2083 - Introduced

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A BILL FOR

1 An Act establishing a moratorium relating to the construction,
2 including expansion, of structures that are part of
3 certain confinement feeding operations where swine are
4 kept, requesting an interim study committee, and including
5 effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **459.104 Moratorium — confinement**
2 **feeding operations in which swine are kept.**

3 1. *a.* The department shall not approve an application
4 for a permit for the construction, including expansion, of a
5 confinement feeding operation structure under this chapter, if
6 the structure is part of a confinement feeding operation in
7 which swine are kept.

8 *b.* A person shall not begin construction, including
9 expansion, of a confinement feeding operation structure under
10 this chapter, if the structure is part of a confinement feeding
11 operation in which swine are kept. However, this paragraph
12 does not apply to a confinement feeding operation which has an
13 animal unit capacity of three hundred or fewer animal units.

14 2. Nothing in this section shall prohibit a person from
15 completing construction, including expansion, of a confinement
16 feeding operation structure, if prior to the effective date
17 of this Act, the person has begun construction, including
18 expansion, of the confinement feeding operation structure as
19 otherwise allowed under this chapter.

20 Sec. 2. **INTERIM STUDY COMMITTEE — CONFINEMENT FEEDING**
21 **OPERATION STRUCTURE PERMIT APPROVAL.** The legislative council
22 is requested to establish an interim study committee to
23 consider methods to provide for greater public participation
24 in the process of approving or disapproving the construction,
25 including expansion, of confinement feeding operation
26 structures which are part of confinement feeding operations
27 where swine are kept. The interim study committee shall
28 consider methods to provide for greater decision-making by
29 county boards of supervisors and by the reformation of the
30 master matrix as provided in section 459.305. If established,
31 the interim study committee shall submit a report to the
32 general assembly by January 11, 2019, which includes findings
33 and recommendations.

34 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate
35 importance, takes effect upon enactment.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 MORATORIUM. This bill amends Code chapter 459 (the "Animal
5 Agriculture Compliance Act") by establishing a moratorium upon
6 the construction, including expansion, of certain confinement
7 feeding operation structures (structures) such as buildings
8 or manure storage structures associated with the confinement
9 feeding operation where swine are kept. The moratorium does
10 not apply to a confinement feeding operation having an animal
11 unit capacity of 300 or fewer animal units.

12 The bill provides that during the period of the moratorium,
13 the department of natural resources is prohibited from
14 approving an application for a permit to construct a
15 structure, and that a person is prohibited from beginning
16 such construction. The bill does not prohibit a person from
17 completing construction if, prior to the effective date of the
18 bill, the person has begun the construction.

19 LEGISLATIVE STUDY. The bill requests that the legislative
20 council establish an interim committee to study methods to
21 increase greater public participation in the construction of
22 structures associated with swine production and submit a report
23 to the general assembly by January 11, 2019.

24 BACKGROUND. The department of natural resources regulates
25 confinement feeding operations. A confinement feeding
26 operation refers to an area in which certain animals associated
27 with agriculture are confined and fed and maintained under a
28 roof for 45 days or more in any 12-month period, and includes
29 associated structures including buildings and facilities used
30 to store manure. A permit to construct or expand a structure
31 is required if the structure is an unformed manure storage
32 structure (e.g., an anaerobic lagoon or earthen manure storage
33 structure) or the structure is associated with a confinement
34 feeding operation of a certain size based on a calculation
35 of its proposed animal unit capacity (AUC) which equals the

1 maximum number of animal units that may be maintained under
2 roof at any one time (Code section 459.102). A permit is
3 required if the confinement feeding operation would have an
4 AUC of 1,000 or more. In calculating AUC, each of various
5 types of animals are assigned a special equivalency factor.
6 For example, a butcher or breeding swine weighing more than
7 55 pounds has an equivalency factor of 0.4 animal units (Code
8 section 459.102). A confinement feeding operation proposed to
9 include one or more buildings with a capacity of 2,500 breeding
10 swine would be required to obtain a permit ($2,500 \times 0.4 = 1,000$
11 AUC). In any case, a proposed confinement feeding operation
12 having 755 such swine would be subject to the bill's moratorium
13 ($755 \times 0.4 = 302$ AUC).

14 EFFECTIVE DATE. The bill, if enacted, would take effect upon
15 that date.